

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.479 OF 2022

SHOBHADEVI W/O SOHANRAJ DHOKA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satish A. Gaikwad
APP for Respondent : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 14-06-2022

PER COURT :-

Heard learned counsel for the applicant and learned A.P.P. for the respondent – State at length.

2. First Information Report was registered against the applicant vide Crime No. 483 of 2021 registered with Cidco Police Station, Aurangabad, for the offences punishable under Sections 420, 468, 465, 406, 471 read with Section 34 of the Indian Penal Code.

3. It has been alleged against the present applicant that she had sold the plot to one Ankush Mokale, and the informant has purchased the said plot from Sanjay Parasmal Chandaliya under the General Power of Attorney in the year 1998. The allegations have also been made that a false document was created. All

accused cheated the complainant with common intention, and a false notarized document has also been created, due to which she has suffered a huge loss. One Sanjay Parasmal Chandaliya did the transaction and sold the plot to the applicant, pretending that he owned the sold plot. The applicant knew the above fact; even then, she had purchased the plot under a correction deed.

4. The learned counsel for the applicant would state that the parties have settled their dispute amicably, and the settlement document has also been prepared. He has placed the said document on record. The contents of the said document reveal that the complainant has settled the dispute with co-accused Lalit Chandoliya. Since the dispute is settled between the contesting parties and the applicant has been made a scapegoat, and nothing has been recovered and discovered from her, she may be released on bail. He placed on record the order passed by this Court, in A.B.A. No. 787 of 2021 dated 30.11.2021, releasing the co-accused on bail. He seeks bail on the parity.

5. The learned APP has strongly objected to the application contending that the offences are serious. The parties made the alleged transaction and created the forged documents. All the applicants in conspiracy cheated the innocent person. The applicant is not a party to the so called settlement deed. Hence, it

cannot be said that the complainant has settled the dispute with her. Since the false documents have been created, the custodial interrogation of the applicant for the recovery of such forged documents is necessary. Hence, the bail application may be rejected.

6. The allegations levelled in the F.I.R. appear that some documents were created, and the plots were sold. The complainant is aggrieved by such forged documents. She was cheated because of forged documents; therefore, she lodged a report against the four accused. However, a compromise deed placed on record reveals that the complainant has settled the dispute with co-accused Lalit Chandoliya. The contents of this compromise deed also reveal that consideration of Rs.4,00,000/- was paid to her. Though the applicant was not the party to the said settlement deed, but it has been contended in the settlement deed that she would take the complaint back against the applicant, and she has consent for the said transaction. There is a reference to the applicant in the said deed, and the complainant has agreed not to proceed further against the applicant.

7. In view of the facts of the case discussed above, this Court is of the view that the investigation officer may collect the so called fraudulent documents from the other sources.

8. In view of the aforesaid, there appears no ground to decline the prayer of the applicant.

9. Hence, the following order -

I) Application is allowed.

II) In the event of arrest of the applicant – Shobhadevi w/o. Sohanraj Dhoka, in connection with Crime No. 483 of 2021 registered with Cidco Police Station, Aurangabad, for the offences punishable under Sections 420, 468, 465, 406, 471 read with Section 34 of the Indian Penal Code, she be released on P.R. of Rs.20,000/- with one solvent surety in the like amount on the condition that she shall produce all the relevant documents of sale as alleged by the complainant in the complaint within one week from today before the investigation officer.

III) Hamdast allowed.

(S. G. MEHARE)
JUDGE

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